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** Annexes can be consulted in the files of the Secretariat.

List of abbreviations

API	Announcement in the public interest
Basic Law	Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China
BOR	Hong Kong Bill of Rights
CAPO	Complaints Against Police Office
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSD	Correctional Services Department
DLS	Duty Lawyer Service
EOC	Equal Opportunities Commission
ExCo	Executive Council
GDP	Gross Domestic Product
GNI	Gross National Income
HKBORO	Hong Kong Bill of Rights Ordinance
HKSAR	Hong Kong Special Administrative Region of the People's Republic of China
ICAC	Independent Commission Against Corruption
ICCPR	International Covenant on Civil and Political Rights
ICD	International Statistical Classification of Diseases and Related Health Problems
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IPCC	Independent Police Complaints Council
LAD	Legal Aid Department
LegCo	Legislative Council
LWB	Labour and Welfare Bureau
NGOs	Non-governmental organisations
NPC	National People's Congress
NPCSC	Standing Committee of the NPC
RGNI	Real Gross National Income
Police	Hong Kong Police Force
WoC	Women's Commission

I. General information

A. Demographic, economic, social and cultural characteristics

1. Relevant demographic indicators and social, economic and cultural indicators in respect of the Hong Kong Special Administrative Region of the People's Republic of China (HKSAR) are at Annex A.

2. The population in Hong Kong at mid-2011 was 7.07 million. With the annual population growth ranging from 0.5% to 1.2% in recent years, the population at mid-2015 increased to 7.30 million (provisional figure). The population increase was mainly due to the continuous inflow of holders of Permit for Proceeding to Hong Kong and Macao from the Mainland of China and the natural increase during the period.

3. The majority of the population in Hong Kong are Chinese (94%). The number of ethnic minorities in Hong Kong was 451 183 (about 6% of the population) in 2011, with an increase of 31.8% over 2006. Among all the ethnic minorities in Hong Kong, the number of Indonesians increased markedly from 87 840 in 2006 to 133 377 in 2011, while the proportion of all ethnic minorities increased from 25.7% to 29.6%.

4. In terms of language most commonly used, 93.5% of Chinese aged five and over usually spoke Cantonese at home, followed by other Chinese dialects (other than Cantonese and Putonghua) (4.3%). On the other hand, among ethnic minorities aged five and over, English was the language most commonly spoken at home (44.2%), followed by Cantonese (31.7%).

5. Ageing of the population has continued. While the proportion of people aged under 15 fell from 11.6% in 2011 to 11.3% (provisional figure) in 2015, the proportion of people aged 65 and over rose from 13.3% to 15.4% (provisional figure).

6. Hong Kong is a small and open economy. Hong Kong's per capita Gross Domestic Product (GDP) in 2014 stood at around $311,500. Its economy has become increasingly service-oriented over the past decades, as manifested by a continued rise in the share of the service sectors in GDP from 90% in 2003 to 93% in 2013.

7. Hong Kong constantly strives to be a knowledge-based and high value-added economy. The HKSAR Government is committed to maintaining a business-friendly environment and sharpening the competitive edge of the four pillar industries (viz. trading and logistics, financial services, professional and producer services, and tourism). Apart from them, the HKSAR Government has also stepped up efforts in promoting and assisting many emerging industries with great potential (e.g. high value-added maritime services, creative industries and innovation and technology). Alongside these development trends, demand for well-educated and skilled workers is expected to continuously increase.

B. Constitutional, political and legal structure of the HKSAR

1. Basic Law of the HKSAR

8. In accordance with the provisions of Article 31 and sub-paragraph 13 of Article 62 of the Constitution of the People's Republic of China, and the relevant decisions of the National People's Congress (NPC) adopted on 4 April 1990, the HKSAR was established on 1 July 1997. The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Basic Law) also came into effect on the same day.

9. The Basic Law is the most important legal document for the HKSAR to exercise a high degree of autonomy. It prescribes the relationship between the Central Authorities and the HKSAR, fundamental rights and duties of the residents, and the social, political, cultural and other systems to be practised in the HKSAR.

10. Among other matters, the Basic Law provides that —

(a) The HKSAR shall be a local administrative region of the People's Republic of China, which shall enjoy a high degree of autonomy and come directly under the Central

People's Government. The Central People's Government shall be responsible for the foreign affairs relating to, and the defence of, the HKSAR;

(b) The NPC authorises the HKSAR to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication, in accordance with the provisions of the Basic Law. The power of final adjudication of the HKSAR shall be vested in the Court of Final Appeal established in the Region;

(c) The executive authorities and legislature of the HKSAR shall be composed of permanent residents of Hong Kong;

(d) Under the principle of "one country, two systems", the socialist system and policies shall not be practised in the HKSAR and Hong Kong's previous capitalist system and way of life shall remain unchanged for 50 years;

(e) The laws previously in force in Hong Kong, that is, the common law, rules of equity, ordinances, subordinate legislation and customary law shall be maintained, except for any that contravenes the Basic Law, and subject to any amendment by the legislature of the HKSAR;

(f) National laws shall not be applied in the HKSAR except for those listed in Annex III to the Basic Law[1] and that the laws listed therein shall be applied locally by way of promulgation or legislation by the Region. The Standing Committee of the NPC (NPCSC) may add to or delete from the list of laws in Annex III after consulting the Committee for the Basic Law of the HKSAR and the HKSAR Government;

(g) The HKSAR may conduct relevant external affairs on its own in accordance with the Basic Law using the name "Hong Kong, China", maintain and develop relations and conclude and implement agreements with foreign states and regions and relevant international organisations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, tourism, cultural and sports fields;

(h) The HKSAR shall remain a free port, a separate customs territory and an international financial centre. The HKSAR Government shall, on its own, formulate monetary and financial policies, safeguard the free operation of financial business and financial markets, and regulate and supervise them in accordance with law. The HKSAR Government safeguards the free flow of capital within, into and out of the Region. The HKSAR Government issues and manages its own currency;

(i) The HKSAR Government formulates its own policies on the development of education, science, culture, sports, labour and social welfare, and shall not restrict the freedom of religious belief;

(j) Hong Kong residents enjoy a wide range of freedoms and rights; and

(k) The provisions of the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the HKSAR.

The freedoms and rights of Hong Kong residents will be dealt with under the section below on "General framework for the protection and promotion of human rights".

2. Political structure

11. The Chief Executive of the HKSAR is the head of the Region, and is accountable to the Central People's Government and the HKSAR in accordance with the provisions of the Basic Law. The Executive Council (ExCo) assists him in policy-making. The HKSAR Government formulates and implements policies, introduces bills, implements law and provides services to the community. The Legislative Council (LegCo) is the legislature of

[1] National laws listed in Annex III to the Basic Law are at **Annex B**.

the HKSAR. District Councils are consulted on district administration and other affairs. The Judiciary is independent of the executive authorities and the legislature.

(a) Chief Executive

12. The Chief Executive leads the HKSAR Government and decides on Government policies. He is responsible for the implementation of the Basic Law and other laws which, in accordance with the Basic Law, apply in the HKSAR. Moreover, he signs bills and budgets passed by the LegCo. He also nominates and reports to the Central People's Government for appointment of principal officials. He appoints or removes judges of the courts at all levels and holders of public office in accordance with legal procedures. The Chief Executive also conducts, on behalf of the HKSAR Government, external affairs and other affairs as authorised by the Central Authorities.

13. The Basic Law provides that the Chief Executive of the HKSAR shall be selected by election or through consultations held locally and be appointed by the Central People's Government. The method for selecting the Chief Executive shall be specified in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.

(b) Executive Council

14. The ExCo assists the Chief Executive in policy-making. Under Article 56 of the Basic Law, except for the appointment, removal and disciplining of officials and the adoption of measures in emergencies, the Chief Executive shall consult the ExCo before making important policy decisions, introducing bills to the LegCo, making subordinate legislation, or dissolving the LegCo. The Chief Executive in Council also determines appeals, petitions and objections under ordinances that confer a statutory right of appeal. If the Chief Executive does not accept a majority opinion of the ExCo, he shall put the specific reasons on record.

15. The ExCo normally meets once a week. It is presided over by the Chief Executive. As provided for in Article 55 of the Basic Law, members of the ExCo shall be appointed by the Chief Executive from among the principal officials of the executive authorities, members of the LegCo and public figures. Their term of office shall not extend beyond the expiry of the term of office of the Chief Executive who appoints them.

16. The current membership of the ExCo comprises the 16 Principal Officials appointed under the Political Appointment System and 14 non-official members.

(c) The structure of the HKSAR Government

17. The Chief Executive is the head of the HKSAR Government. If the Chief Executive is not able to discharge his duties for a short period, such duties shall temporarily be assumed by the three Secretaries of Departments, namely the Chief Secretary for Administration, the Financial Secretary, or the Secretary for Justice, in that order of precedence. The HKSAR Government comprises a Department of Administration, a Department of Finance, a Department of Justice, and various bureaux, divisions, and commissions.

18. There are currently 13 bureaux, each headed by a Policy Secretary, which collectively form the Government Secretariat. With certain exceptions, the heads of Government departments are responsible to the Secretaries of Departments and Policy Secretaries. The exceptions are the Commissioner of the Independent Commission Against Corruption, The Ombudsman and the Director of Audit, who function independently and are directly accountable to the Chief Executive.

19. A Political Appointment System has been introduced since 1 July 2002. Under the system, the Chief Secretary for Administration, the Financial Secretary, the Secretary for Justice and the 13 Policy Secretaries of the HKSAR Government are political appointees. They are responsible for specific policy areas and are accountable to the Chief Executive.

They are at the same time appointed as Members of the ExCo and, together with other Non Official Members of the ExCo, assist the Chief Executive in policy making. Under the system, there remains a permanent, professional and politically neutral civil service.

(d) Legislative Council

20. The powers and functions of the LegCo are specified in Article 73 of the Basic Law. These include enacting, amending or repealing laws in accordance with the provisions of the Basic Law and legal procedures; examining and approving budgets introduced by the HKSAR Government; approving taxation and public expenditure; receiving and debating the policy addresses of the Chief Executive; raising questions on the work of the HKSAR Government; debating any issue concerning public interests; endorsing the appointment and removal of the judges of the Court of Final Appeal and the Chief Judge of the High Court; and receiving and handling complaints from Hong Kong residents, etc.

21. Article 68 of the Basic Law provides that the LegCo shall be constituted by election. The method for its formation shall be specified in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the members of the LegCo by universal suffrage. Annex II to the Basic Law and the relevant decision of the NPC adopted on 4 April 1990 prescribe the composition of the LegCo during its first three terms as follows —

Membership	*First term 1998-2000 (two years)*	*Second term 2000-2004 (four years)*	*Third term 2004-2008 (four years)*
(a) Elected by geographical constituencies through direct elections	20	24	30
(b) Elected by functional constituencies	30	30	30
(c) Elected by an election committee	10	6	-
Total	**60**	**60**	**60**

22. Annex II to the Basic Law provides that, if there is a need to amend the method for forming the LegCo after 2007, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Council and the consent of the Chief Executive and they shall be reported to the NPCSC for the record. In 2007, the NPCSC adopted a decision that after the Chief Executive is elected by universal suffrage, the election of the LegCo of the HKSAR may be implemented by the method of electing all members by universal suffrage. The motion on the method for forming the fifth term LegCo in 2012 put forth by the HKSAR Government was passed by the LegCo by two-thirds majority in June 2010 and recorded by the NPCSC in August 2010. More than 3.2 million electors could cast two votes in the 2012 LegCo general election, one for a candidate list in a geographical constituency and one for another candidate list in the new District Council (second) functional constituency. This new functional constituency treats Hong Kong as a single constituency and candidates are nominated from elected District Council members. The fifth term LegCo in 2012 consisted of 70 members: 35 returned by functional constituencies, apart from the above-mentioned District Council (second) functional constituency, each of the remaining functional constituencies represents an important economic, social or professional sector of the HKSAR; and 35 by geographical constituencies through direct elections, where Hong Kong was divided into five geographical constituencies, each returning five to nine members.

23. As regards the method for forming the sixth term LegCo in 2016, the NPCSC adopted a decision in August 2014 that the existing formation method for the LegCo as prescribed in Annex II to the Basic Law would not be amended; and the formation method for the fifth term LegCo would continue to apply to the sixth term LegCo in 2016. The local legislation making necessary technical amendments for the 2016 LegCo general election was passed by the LegCo in July 2015.

(e) District Councils

24. Eighteen District Councils have been established in the HKSAR to advise the HKSAR Government on all matters relating to the well-being of residents in the districts and to promote community building through carrying out various community involvement programmes including recreational and cultural projects, and undertaking environmental improvement projects within the districts. For the fifth term District Councils (2016-2019), the HKSAR is divided into 431 constituencies, each returning one elected member. In addition, there are 27 ex-officio members (who are the chairmen of Rural Committees). The fifth-term District Council ordinary election was held on 22 November 2015.

(f) Relevant statistics

25. Relevant statistics on the political system, including the voter registration figures and voter turnout rates, are set out in Annex C.

3. Administration of justice

(a) The judicial system of the HKSAR

26. The legal system is firmly based on the rule of law, right of access to court, quality legal aid services, the independent legal profession and the Judiciary which is independent of the executive authorities and the legislature.

27. Article 19 of the Basic Law provides that the HKSAR shall be vested with independent judicial power, including that of final adjudication. The courts of the HKSAR shall have jurisdiction over all cases in the Region, except that the restrictions on their jurisdiction imposed by the legal system and principles previously in force in Hong Kong shall be maintained. The courts of the HKSAR shall have no jurisdiction over acts of state such as defence and foreign affairs.

28. The courts of the HKSAR comprise the Court of Final Appeal, the High Court (which consists of the Court of Appeal and the Court of First Instance), the District Court, the Magistrates' Courts, the Competition Tribunal, the Lands Tribunal, the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal and the Coroner's Court. The courts hear and determine all criminal trials and civil disputes, whether between individuals or between individuals and the HKSAR Government.

29. Article 82 of the Basic Law provides that the power of final adjudication of the HKSAR shall be vested in the Court of Final Appeal of the Region, which may as required invite judges from other common law jurisdictions to sit on the Court of Final Appeal. Article 84 provides that the courts shall adjudicate cases in accordance with applicable laws and may refer to precedents of other common law jurisdictions. Article 85 provides that the courts shall exercise judicial power independently, free from any interference. Members of the judiciary shall be immune from legal action in the performance of their judicial functions.

30. Article 92 of the Basic Law provides that judges and other members of the judiciary of the HKSAR shall be chosen on the basis of their judicial and professional qualities and may be recruited from other common law jurisdictions. Article 88 further provides that judges shall be appointed by the Chief Executive on the recommendation of an independent commission composed of local judges, persons from the legal profession and eminent persons from other sectors.

31. Judges enjoy security of tenure. Article 89 of the Basic Law provides that a judge may only be removed for inability to discharge his or her duties, or for misbehaviour, by the Chief Executive on the recommendation of a tribunal appointed by the Chief Justice of the Court of Final Appeal and consisting of not fewer than three local judges. The Chief Justice of the Court of Final Appeal may be investigated only for inability to discharge his or her duties, or for misbehaviour, by a tribunal appointed by the Chief Executive and consisting of not fewer than five local judges and may be removed by the Chief Executive on the recommendation of the tribunal and in accordance with the procedures prescribed in the Basic Law.

(b) Relevant statistics

32. The relevant statistics on the administration of justice in respect of the HKSAR for the period from 2011 to 2015 (Jan-Jun) are set out below. Statistics relevant to the sentencing of offenders and death in custody are set out in Annex D.

Incidence of violent death and life threatening crimes reported

Crime	*2011*	*2012*	*2013*	*2014*	*2015(Jan-Jun)*
Murder and manslaughter	17	27	62[1]	27	11
Attempted murder	4	6	4	0	0

[1] The figure has included the death toll of 39 victims from the Lamma Island ferry collision on 1 October 2012.

Number of persons arrested for violent or other serious crimes

Crime	*2011*	*2012*	*2013*	*2014*	*2015 (Jan-Jun)*
Murder and manslaughter	19	66	55	32	12
Wounding and serious assault	5 289	5 317	4 887	4 148	1 851
Robbery	410	416	302	208	74
Drug trafficking	1 357	1 418	1 639	1 297	721

Number of reported cases of sexually motivated violence

Crime	*2011*	*2012*	*2013*	*2014*	*2015 (Jan-Jun)*
Rape	91	121	105	56	41
Indecent assault	1 415	1 495	1 463	1 115	504

Number of Police officers per 100 000 persons

	2011	*2012*	*2013*	*2014*	*2015*
Police officers	398.6	395.0	394.9	393.7	392.4

Number of judges and judicial officers

	2011	*2012*	*2013*	*2014*	*2015*
Judges and judicial officers	158	148	157	157	169

Statistics on legal aid in criminal cases

		2011	*2012*	*2013*	*2014*	*2015 (Jan-Jun)*
(1)	No. of legal aid applications	3 888	3 684	3 797	3 717	1 761
(2)	No. of applications refused on merits	949	943	889	823	468
(3)	No. of applications granted legal aid	2 795	2 521	2 785	2 690	1 183
(4)	Applicants granted legal aid with nil contribution out of (3)	2 547	2 308	2 515	2 485	1 089
	(as % of (3))	(91.13%)	(91.55%)	(90.31%)	(92.38%)	(92.05%)

4. Non-governmental organizations

33. Article 27 of the Basic Law guarantees that Hong Kong residents shall have freedom of association and the right and freedom to form and join trade unions, and to strike. Article 18 of the Hong Kong Bill of Rights (BOR), which corresponds to Article 22 of the ICCPR, also guarantees the freedom of association. In the HKSAR, all organisations including companies, societies, trade unions and credit unions must be registered under applicable ordinances such as the Companies Ordinance (Cap. 622) and the Societies Ordinance (Cap. 151).

Exemption of tax

34. Subject to certain limitations, charitable institutions or trusts of a public character are exempt from tax under section 88 of the Inland Revenue Ordinance (Cap. 112). Charities wishing to enjoy the tax exemption may apply to the Inland Revenue Department.

35. For an institution or a trust to be a charity, it must be established for purposes which are exclusively charitable according to law. The law defining the legal attributes of a charity is based upon case law developed through court decisions.

36. A summary of the purposes that may be accepted as charitable, in accordance with case law, are —

(a) Relief of poverty;

(b) Advancement of education;

(c) Advancement of religion; and

(d) Other purposes of a charitable nature beneficial to the community not falling under any of the preceding heads.

37. While the purposes under the first three heads may be in relation to activities carried on in any part of the world, those under head (d) will only be regarded as charitable if they are of benefit to the Hong Kong community.

II. General framework for the protection and promotion of human rights

A. Application of international human rights treaties to the HKSAR

38. The list of international human rights treaties that are applicable to the HKSAR and the relevant information is at **Annex E**.

B. Legal framework for the protection of human rights

1. Rule of law

39. The fundamental basis for the protection of human rights is the rule of law maintained by an independent judiciary (see paragraphs 26 to 31 above). The principles that inform the rule of law are:

(a) *The supremacy of the law*: No individual is punishable or can lawfully be made to suffer personally or financially except for a breach of law established before the independent courts. Where, under the law, an official or an authority has discretion to make a decision, that discretion must be exercised legally, fairly and reasonably. Where it does not do so, the decision may be challenged before the courts; and

(b) *Equality before the law*: Article 25 of the Basic Law provides that all Hong Kong residents shall be equal before the law. Article 64 provides that the HKSAR Government must abide by the law. Article 22 provides that all offices set up in the HKSAR by departments of the Central People's Government, or by provinces, autonomous regions, or municipalities directly under the Central Government and personnel of these

offices shall abide by the laws of the Region. Article 14 provides that members of the garrison shall, in addition to abiding by national laws of China, abide by the laws of the HKSAR. Article 35 provides that Hong Kong residents shall have the right to institute legal proceedings in the courts against the acts of the executive authorities and their personnel. No Government authority or official, and no individual, is above the law. In addition, Article 10 of the BOR guarantees that all persons are equal before the courts, and Article 22 of the BOR guarantees that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law.

2. Human rights guarantees in the Basic Law

40. Article 4 of the Basic Law provides that the HKSAR shall safeguard the rights and freedoms of residents of the HKSAR and of other persons in the Region in accordance with law. Chapter III of the Basic Law guarantees a wide range of freedoms and rights, including:

(a) Equality before the law;

(b) Freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike;

(c) Freedom of the person; freedom from torture; freedom from arbitrary or unlawful arrest, detention or imprisonment; freedom from arbitrary or unlawful search of the body; and right against arbitrary or unlawful deprivation of life;

(d) Freedom from arbitrary or unlawful search of, or intrusion into, one's home or other premises;

(e) Freedom and privacy of communication;

(f) Freedom of movement within the HKSAR and freedom of emigration to other countries and regions and freedom to travel and to enter or leave the Region;

(g) Freedom of conscience; freedom of religious belief and freedom to preach and to conduct and participate in religious activities in public;

(h) Freedom of choice of occupation;

(i) Freedom to engage in academic research, literary and artistic creation, and other cultural activities;

(j) Right to confidential legal advice, access to the courts, choice of lawyers for timely protection of their lawful rights and interests or for representation in the courts, and to judicial remedies; right to institute legal proceedings in the courts against the acts of the executive authorities and their personnel;

(k) Right to social welfare in accordance with law; and

(l) Freedom of marriage and right to raise a family freely.

41. Persons in the HKSAR other than Hong Kong residents shall, in accordance with law, enjoy the rights and freedoms of Hong Kong residents prescribed by Chapter III of the Basic Law. In addition, the HKSAR protects the right of private ownership of property in accordance with law. Educational institutions of all kinds enjoy autonomy and academic freedom. Permanent residents of the HKSAR enjoy the rights to vote and to stand for election in accordance with law.

3. Effect of other human rights instruments in HKSAR law

42. According to Article 39 of the Basic Law:

"The provisions of the ICCPR, the ICESCR and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the HKSAR.

The rights and freedoms enjoyed by Hong Kong residents shall not be restricted unless as prescribed by law. Such restrictions shall not contravene the provisions of the preceding paragraph of this Article."

43. As in other common law jurisdictions, treaties that apply to Hong Kong (including human rights treaties) do not themselves have the force of law in the domestic legal system of Hong Kong. They cannot directly be invoked before the courts as the source of individual rights. However, the courts will, when possible, construe domestic legislation in such a way as to avoid incompatibility with international treaties that apply to Hong Kong. The usual method of giving effect in local law to treaty obligations (when these require some change in existing laws or practice) is to enact specific new legislation[2]. Where this results in the creation or definition of specific legal rights and where these rights are denied or interfered with (or there is the threat of such action), a remedy will be available in the courts through the ordinary procedures of civil litigation; or the law may provide criminal sanctions.

4. Hong Kong Bill of Rights Ordinance

44. The Hong Kong Bill of Rights Ordinance (Cap. 383) (HKBORO) was enacted in June 1991 specifically to give effect in local law to the provisions of the ICCPR as applied to Hong Kong. It achieves this by setting out a detailed BOR, the terms of which are almost identical to those of the ICCPR.

5. Legal aid

45. Eligible applicants receive legal aid through the provision of the services of a solicitor and, if necessary, a barrister in court proceedings to ensure that any person who has reasonable grounds for pursuing or defending a legal action is not prevented from doing so by lack of means. Publicly funded legal aid services are provided through the Legal Aid Department (LAD) and the Duty Lawyer Service (DLS).

(a) Legal Aid Department

46. The LAD provides legal representation to eligible persons in both civil and criminal cases heard in the Court of Final Appeal, the Court of Appeal, the Court of First Instance, the District Court and the Magistrates' Courts (for committal proceedings). Civil legal aid is available for proceedings covering major areas of livelihood of the community ranging from family disputes to immigration matters and to coroner's inquests. The grant of legal aid is not subject to a residence requirement. Applicants must satisfy the Director of Legal Aid of their financial eligibility (the means test) and of the justification for legal action (the merits test). In civil cases, the Director has discretion to waive the upper limits of the means test in meritorious applications where a breach of the HKBORO or the ICCPR as applied to Hong Kong is an issue. In criminal cases, the Director has the same discretion if he considers it in the interest of justice to do so. Subject to the means test (unless waived by a judge), it is mandatory to grant legal aid to an applicant charged with murder, treason or piracy with violence. For other criminal offences, provided the applicant passes the means test, a judge may grant legal aid notwithstanding that legal aid has been refused on merits by the Director.

(b) The Duty Lawyer Service

47. The DLS complements the legal aid services provided by the LAD. It operates three schemes that respectively provide legal representation (the Duty Lawyer Scheme), legal advice (the Free Legal Advice Scheme) and legal information (the Tel-Law Scheme). The Duty Lawyer Scheme offers legal representation to defendants (both juvenile and adult) charged in the Magistracies who cannot afford private representation. It also provides legal

[2] An example is the Crimes (Torture) Ordinance (Cap. 427) which was enacted to give effect in Hong Kong to Articles 4 and 5 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

representation to persons who are at risk of criminal prosecution as a result of giving incriminating evidence in Coroner's inquests. Applicants are subject to a means test and merits test, based on the "interests of justice" principle in accordance with Article 11(2)(d) of the BOR. The Free Legal Advice Scheme and the Tel-Law Scheme respectively provide members of the public with free legal advice through individual appointments and taped information on the legal aspects of everyday problems. In addition, the DLS started operating the Convention Against Torture Scheme in December 2009 on a pilot basis. This Scheme has been extended to become the Publicly-funded Legal Assistance Scheme for Non-refoulement Claimants when the Unified Screening Mechanism for the determination of claims for non-refoulement protection commenced operation in March 2014.

(c) Legal Aid Services Council

48. The Legal Aid Services Council is an independent statutory body established in 1996. Its role is to oversee the administration of the legal aid services provided by the LAD, which is accountable to the Council for the provision of such services. The Council also advises the Chief Executive on legal aid policy.

6. Office of the Ombudsman

49. The Ombudsman is an independent authority established under the Ombudsman Ordinance (Cap. 397). The Ombudsman investigates and reports on grievances arising from maladministration. "Maladministration" includes such things as inefficient, bad or improper administration, unreasonable conduct (such as delay, discourtesy and lack of consideration), abuse of power or authority and unjust or discriminatory procedures. Members of the public can complain directly to the Ombudsman, who can also initiate investigations on her own volition and may publish investigation reports of public interest. Additionally, the Ombudsman is empowered to investigate complaints of non-compliance with the Code on Access to Information.

50. Since December 2001, the Office of the Ombudsman has become an independent corporation sole with full autonomy and statutory powers to conduct its own administrative and financial business. The Ordinance also specifies that the Ombudsman is not a servant or agent of the HKSAR Government.

51. Subject to the Ombudsman Ordinance, the Ombudsman may obtain any information and documents from such persons as she thinks fit. She may summon any person to provide information relating to her investigations and may enter any premises of the organisations under her jurisdiction to conduct investigations. She also has sufficient means with which to ensure that her recommendations are heard and acted upon.

52. After investigating a complaint, the Ombudsman is empowered to report her opinion and reasons, together with a statement of any remedy and recommendation that is considered necessary, to the head of the organisation affected. If the recommendation is not acted upon within a reasonable timeframe, the Ombudsman may report the matter to the Chief Executive. She may also do so if she believes that there has been a serious irregularity or injustice done. Such reports are required by law to be laid before the LegCo.

53. The Ombudsman has jurisdiction over nearly all Government departments of the HKSAR and major statutory bodies. The Hong Kong Police Force (Police) and the Independent Commission Against Corruption (ICAC) are not subject to the Ombudsman's investigation, except for cases of non-compliance with the Code on Access to Information. Complaints against these departments are handled by discrete, dedicated bodies (see paragraphs 57 and 58 below).

7. The Equal Opportunities Commission

54. The Equal Opportunities Commission (EOC) was established under the Sex Discrimination Ordinance (Cap. 480) in 1996. The Commission is responsible for conducting formal investigations, handling complaints, encouraging conciliation between parties in dispute, providing assistance to aggrieved persons in accordance with the four anti-discrimination ordinances. It undertakes research programmes and public education to promote equal opportunities in the community. The Commission is also empowered to

issue codes of practice to provide practical guidelines to facilitate public compliance with the anti-discrimination ordinances.

55. Please refer to the section on "Information on non-discrimination and equality" below for further details in relation to the anti-discrimination ordinances and the work of the EOC.

8. Privacy Commissioner for Personal Data

56. The Personal Data (Privacy) Ordinance (Cap. 486) regulates the collection, holding, processing and use of personal data in both the public and private sectors. Its provisions are based on internationally accepted data protection principles, and apply to personal data in any form the access to or the processing of which is practicable. The Ordinance establishes an office by the name of the Privacy Commissioner for Personal Data, an independent statutory body, to promote, monitor and supervise compliance with the provisions of the Ordinance. The duties of the Commissioner include, among others, carrying out promotional or educational activities, issuing codes of practice to provide guidance on compliance with the Ordinance, and conducting investigations and inspections for matters in relation to personal data privacy of individuals.

9. Complaints and investigations

(a) The Police

57. Under the existing two-tier police complaints handling system, the Complaints Against Police Office (CAPO) is responsible for handling and investigating complaints lodged by members of the public against members of the Police. The CAPO operates independently from other Police formations to ensure its impartiality in handling complaints. The Independent Police Complaints Council (IPCC) is an independent statutory body specifically appointed to monitor and review the CAPO's handling and investigation of complaints. Members of the IPCC appointed by the Chief Executive are drawn from a wide spectrum of the community. The Independent Police Complaints Council Ordinance (Cap. 604) came into force on 1 June 2009 and provides the above police complaints system with a statutory basis. It clearly sets out the statutory IPCC's role, functions and powers in the police complaints handling system, as well as the obligations of the Police to comply with the requirements made by the IPCC under the Ordinance. There are effective checks and balances to ensure that the complaints lodged with the CAPO are handled thoroughly, fairly and impartially.

(b) The Independent Commission Against Corruption

58. Established in 1977, the ICAC Complaints Committee is responsible for monitoring and reviewing the ICAC's handling of non-criminal complaints against the ICAC and its officers. Being an independent committee appointed by the Chief Executive, the ICAC Complaints Committee comprises Executive and Legislative Councillors, a representative of the Ombudsman and eminent members of the community. Complaints against the ICAC or its officers can be made direct to the ICAC Complaints Committee as well as the ICAC at any of its offices. The investigation of such complaints is handled by a special unit of the Operations Department of the ICAC. When the unit has completed its investigation of a complaint, its conclusions and recommendations are submitted to the ICAC Complaints Committee for consideration.

(c) Other disciplined services

59. Other disciplined services departments maintain clear guidelines and procedures for handling complaints. For example, the Correctional Services Department (CSD), which runs HKSAR's prisons, has a Complaints Investigation Unit to manage its grievance redress system for staff, prisoners, and members of the public. These persons may also direct their complaints to the Chief Executive, members of the LegCo, the Ombudsman, visiting Justices of the Peace and other law enforcement agencies such as the ICAC and the Police. The existing complaint channels are considered effective in view of the number and the nature of complaints handled.

60. The Immigration Department applies complaints procedures set out in the Immigration Service Standing Orders made by the Director of Immigration under the authority of the Immigration Service Ordinance (Cap. 331). Complaints about abuse of authority or maltreatment by service members can be made to the Director of Immigration and are investigated promptly in accordance with the procedures in the Standing Orders. To ensure that all complaints are properly handled, a Complaints Review Working Party examines the results of investigations, conducts reviews and recommends follow-up action whenever necessary. Persons who consider that they have been improperly treated or that their cases have been mismanaged also have access to the Ombudsman. If there is prima facie evidence that a member of the Immigration Service has committed a criminal offence, the Immigration Service will immediately report the matter to the Police for further investigation. Disciplinary procedures against Immigration Service staff are also governed by the Immigration Service Ordinance and the Immigration Service Standing Orders. Under section 8 of the Immigration Service Ordinance, unlawful or unnecessary exercise of authority resulting in loss or injury to any person is a disciplinary offence.

C. Framework within which human rights are promoted

1. Promotion of public awareness of the human rights treaties

61. The Constitutional and Mainland Affairs Bureau is responsible for co-ordinating and overseeing the implementation of policies relating to human rights and equal opportunities, including the promotion of public awareness of the rights and obligations stipulated in the human rights treaties applicable to the HKSAR. The Labour and Welfare Bureau (LWB) is responsible for human rights treaties relating to women and persons with disabilities that are applicable to the HKSAR.

(a) Dissemination of human rights treaties in the HKSAR

62. The HKSAR Government is committed to the promotion of the rights as enshrined in the human rights treaties applicable to the HKSAR. The promotion work is carried out through various channels including media campaigns in the form of television and radio announcement in the public interest (API). For example, a major publicity campaign (including a series of television thematic docudrama and documentary, a package of television and radio APIs, and advertisements on newspapers and public transport facilities) has been launched by the LWB since August 2009 to promote the spirit and values enshrined in the United Nations Convention on the Rights of Persons with Disabilities (CRPD). A series of publicity programmes in the form of roving exhibitions, school educational dramas and district activities have been carried out by the LWB on an on-going basis to promote public awareness on the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

63. The HKSAR Government also produces bilingual booklets on the text of the human rights treaties (in both Chinese and English, the official languages of the HKSAR). Furthermore, publications such as bilingual booklets, newsletters and leaflets on these treaties, with illustrations of the principal provisions and in language which is easy to understand, are published. These publications aim to enhance the promotion of the treaties to members of the public, including parents and children. The publications are widely distributed to the public, including schools, libraries, district offices and non-governmental organisations (NGOs), and have been uploaded onto the HKSAR Government website.

64. The processes undertaken by the HKSAR Government in consulting the public in preparing reports to the United Nations treaty-monitoring bodies, publication of the report, dissemination of Concluding Observations of the United Nations treaty-monitoring bodies to the public and discussing them with stakeholders concerned also provide opportunities for promoting the human rights treaties to the public. These are elaborated below under the section on "Reporting process".

(b) Human rights education among public officials and professionals

65. The HKSAR Government provides training and education to Government officials, including legal officers and operational staff of the disciplined services, on the Basic Law and other human rights subjects such as application of human rights treaties in the HKSAR, the HKBORO and equal opportunities.

(i) Government officials in general

66. The Civil Service Bureau and the Civil Service Training and Development Institute organise seminars for Government officers at different ranks. These include seminars on the Basic Law, equal opportunities and other areas of human rights (in collaboration with the Department of Justice, EOC and/or NGOs).

67. Major components of the HKBORO and the anti-discrimination ordinances have also been incorporated into seminars and courses for newly recruited officers of the HKSAR Government. We also organise tailored courses for departments with frequent and extensive contacts with members of the public with a view to enhancing the knowledge of the officers on applying the anti-discrimination ordinances and related code of practice in their daily work.

68. In addition to the above, training is provided to officers of different grades and ranks in the HKSAR Government to raise their gender awareness and understanding of gender-related issues. Such training includes seminars and workshops which cover CEDAW and other instruments that protect women's interests and their application in the HKSAR. The LWB has also developed a web-portal and a web course on gender mainstreaming for reference by all Government officers.

(ii) Legal officers

69. The Department of Justice organises training sessions for legal officers of the HKSAR Government. Some of those sessions deal with international human rights law and human rights protection under the Basic Law. Others focus on specific areas according to the special needs of the different divisions of the Department. For example, the Prosecutions Division of the Department provides training for prosecutors on human rights issues that arise in the course of prosecutions, such as the right to be presumed innocent. Legal officers of the Department also attend a range of seminars, conferences and training programmes on human rights organised by local and overseas academic institutions.

(iii) Operational staff of the disciplinary forces

70. Training of disciplined services invariably includes reference to human rights. The Immigration Department, the Customs and Excise Department and the CSD have incorporated lectures on the relevant human rights treaties (such as the CAT), Basic Law, HKBORO, equal opportunities, and gender-related issues into their regular in-service and training programmes for new recruits. Human rights and equality principles are part of the foundation training for the Police's new recruits and probationary inspectors. The continued training programmes for in-service officers also cover these topics.

71. The ICAC provides training and issues orders to all investigating officers to ensure compliance with statutory requirements concerning the treatment of victims, witnesses and suspects. Officers are trained to treat all suspects and witnesses in accordance with the Basic Law and HKBORO. Apart from the training on relevant legislation touching upon human rights and related issues, the ICAC provides professional training to all investigating officers to ensure the voluntariness of admissions and confessions, and that there is no oppression, violence or threat.

(c) Human rights training for judges, judicial officers and support staff of the Judiciary

72. Since the courts of the HKSAR may refer to precedents of other common law jurisdictions in adjudicating cases, they follow developments in all areas of law — including human rights law — in other common law jurisdictions. The Hong Kong Judicial Institute provides continuing education and training for judges and judicial officers. Human

rights law is one of many areas that are emphasised. They participate in visits and human rights seminars both locally and overseas. Talks on anti-discrimination ordinances and seminars on the Personal Data (Privacy) Ordinance are arranged regularly for the support staff of the Judiciary to enhance their understanding and knowledge on these ordinances and to raise their awareness on human rights, equal opportunities and protection of personal data. Staff also attend the training on Basic Law organised by the Civil Service Training and Development Institute.

(d) Promotion of human rights in general

73. The Committee on the Promotion of Civic Education is an advisory body under the Home Affairs Bureau to promote civic education outside schools and to enhance general public's civic awareness, including human rights education. Separately, a Basic Law Promotion Steering Committee, chaired by the Chief Secretary for Administration, was established in January 1998 to guide promotional strategy.

74. The EOC, an independent statutory body to enforce the anti-discrimination ordinances, has the important function of promoting equal opportunities with a view to eliminating discrimination on the grounds of sex, disability, family status and race. The EOC also works towards the elimination of discrimination on the grounds of marital status and pregnancy. Please refer to the section on "Information on non-discrimination and equality" below on the work of the EOC. The Privacy Commissioner for Personal Data also carries out promotional and educational activities in relation to data protection.

75. The HKSAR Government also promotes the rights under the human rights treaties applicable to the HKSAR through other measures, such as sponsoring and co-operating with NGOs to promote awareness and public education through funding schemes and other initiatives.

(e) Promotion of human rights in schools

76. Education in schools is an important aspect in the promotion of children's rights and human rights in general. Human rights education is an integral part of the school curriculum and is addressed in a wide range of subjects at different key stages of learning. Students are provided with ample opportunities to develop concepts and values in relation to human rights in the existing school curriculum. Important concepts and values on human rights, such as the right to life, fundamental freedoms (e.g. freedom of speech and religion), privacy, respect for all peoples (e.g. different nationalities and their cultures, and ways of life), equality and non-discrimination (e.g. gender equality and racial equality) are discussed through the learning and teaching of various subjects in primary and secondary schools. Students' concepts and understanding of human rights are strengthened progressively from a basic understanding of the rights and responsibilities to more complex concepts of human rights. In addition, the Education Bureau has clear and explicit guidelines for textbook publishers to adhere to the principle of non-discrimination. Under the present textbook review system, the Bureau will only place quality textbooks on the Recommended Textbook/e-Textbook List for reference of schools. According to the "Guiding Principles for Quality Textbooks", a quality textbook should be one in which:

(a) There is not any bias in content, such as over-generalisation and stereotyping; and

(b) The content and illustrations do not carry any form of discrimination on the grounds of gender, age, race, religion, culture and disability etc., nor do they suggest exclusion.

Textbooks that failed to meet the above and other criteria in the Guiding Principles for Quality Textbooks will not be placed on the Recommended Textbook or e-Textbook List for selection by schools.

77. Basic Law education, civic education, human rights education and education against discrimination are included in the curriculum and are addressed in a wide range of subjects at different key stages of learning such as General Studies at primary level, curricula under the Personal, Social and Humanities Education at secondary level, and the core subject of

Liberal Studies implemented in the senior secondary curriculum. To support schools in promoting the concepts and values pertaining to these curriculum areas, professional development programmes and resources support are provided to empower teachers' professional capability to implement these curricula. Relevant learning activities (including Mainland exchange programmes, project learning, museum visits, service learning, etc.) to enhance students' understanding and application of the Basic Law in daily lives are provided to deepen students' understanding of the concepts and values relating to civic education, human rights education and education against discrimination.

78. The development of the Hong Kong school curriculum has advanced into a new phase of ongoing curriculum renewal. One of the key emphases is "promoting values education" which includes the priority values and attitudes of respect for others, responsibility, commitment, care for others, etc. In parallel, Basic Law education will be strengthened so as to reinforce the cultivation of values and attitudes among students, including human rights, equality, freedom, caring, responsibility, etc.

(f) Participation of NGOs in promotion of human rights

79. A number of NGOs are dedicated to the promotion of human rights in the HKSAR. Some focus on the rights of a group of people such as ethnic minorities, children, persons with disabilities, or women. Others have a wider scope, embracing all, or most of, the issues addressed in the human rights treaties.

80. The HKSAR Government has increasingly engaged or collaborated with NGOs in matters relevant to the promotion of human rights. This includes seeking their views during the preparation of reports in respect of the HKSAR under the human rights treaties and in considering follow-up actions on the Concluding Observations, seeking their views on issues of policy and other matters concerning human rights, as well as co-operation on public promotion and provision of support services.

81. To strengthen the liaison with NGOs, a number of forums have been established to provide platforms for exchanging views with NGOs on various issues concerning human rights. These include:

(i) Human Rights Forum

82. The Forum first met in October 2003. It provides a platform for NGOs to have regular meetings with the HKSAR Government for discussions on various human rights issues, including the implementation of various human rights treaties as well as other issues of concern.

(ii) Children's Rights Forum

83. The Children's Rights Forum aims to provide a platform for exchanging views on matters concerning children's rights among the HKSAR Government, children's representatives, NGOs focusing on children's rights and other human rights NGOs.

(iii) Ethnic Minorities Forum

84. The Forum provides a channel of communication between the HKSAR Government and Hong Kong's ethnic minority communities and organisations dedicated to serving them. It helps to identify the concerns and needs of the ethnic communities and discuss possible ways of addressing them.

85. The agenda and notes of the meetings of the above forums are publicly available on the HKSAR Government website.

2. Reporting process

86. The Central People's Government submits reports in respect of the HKSAR under various human rights treaties applicable to the HKSAR. Under the established practice, the HKSAR Government would consult the public in the drafting of each report. The HKSAR Government would set out in an outline the broad subject headings and individual topics that it envisages to cover in the report. The outline would be widely distributed to

stakeholders, including the LegCo and members of relevant forums, and to the general public through various means such as the HKSAR Government's website. Discussions with members of the relevant forums and NGOs would be arranged. The public are also invited to suggest additional topics that ought to be included in the report. The outline would also be discussed at the LegCo, and usually representatives of interested NGOs would be invited by the LegCo to present their views.

87. Comments and suggestions raised by commentators would be considered. Respective responses of the HKSAR Government would be incorporated in the relevant sections of the reports as appropriate.

88. The HKSAR section of the report will be made available, in both English and Chinese, to stakeholders, including the LegCo and interested NGOs, and will be distributed to the public at the Public Enquiry Service Centres of the Home Affairs Department, public libraries and the HKSAR Government website, after the report has been submitted to and made public by the United Nations.

Follow-up to concluding observations of human rights treaty bodies

89. In accordance with the established practice, following the issue of the Concluding Observations by the human rights treaty bodies, we would widely disseminate the Concluding Observations among all levels of society, including the LegCo, the relevant Government bureaux and departments, and other interested parties. At the same time, we would also issue a press release to the media on the Concluding Observations and the preliminary response of the HKSAR Government. The Concluding Observations would also be made available to the public through the HKSAR Government website. We would discuss the Concluding Observations and the HKSAR Government's initial response with the LegCo and relevant forums.

3. Information on non-discrimination and equality

90. The general legal framework to guarantee non-discrimination and equality before the law, as well as the relevant institutional framework, have been described above in respect of the framework on the protection of human rights.

(a) Equal Opportunities Commission

91. As outlined above, the EOC is responsible for the implementation of four anti-discrimination ordinances in the HKSAR and promotion of equal opportunities in the respective areas. These ordinances are outlined below.

(i) Anti-discrimination ordinances

92. The Sex Discrimination Ordinance and the Disability Discrimination Ordinance came into full operation in December 1996. Under the SDO, it is unlawful to sexually harass a person or to discriminate against a person on the ground of sex, marital status or pregnancy in the specified areas of activities. The law applies to both males and females. Under the Disability Discrimination Ordinance, it is unlawful to vilify a person with a disability in public, harass a person with a disability, or discriminate against a person on the ground of disability in the specified areas of activities.

93. The Family Status Discrimination Ordinance came into force in November 1997. Under this Ordinance, it is unlawful to discriminate against a person on the ground of family status. Family status means the status of having a responsibility for the care of an immediate family member. Immediate family member, in relation to a person, means someone who is related to the person concerned by blood, marriage, adoption or affinity.

94. The Race Discrimination Ordinance came into full operation in July 2009. Race in relation to a person means the race, colour, descent or national or ethnic origin of the person. It is unlawful under the Ordinance to vilify a person on the ground of race in public, or discriminate against or harass a person on the ground of race, in specified areas of activities.

95. The areas of activities covered by the four above-mentioned ordinances are broadly the same, including employment, education, provision of goods, facilities or services, disposal or management of premises, eligibility to vote for and to stand for election of public bodies, and participation in clubs.

(ii) Investigation and conciliation

96. The EOC investigates complaints lodged under the four ordinances and encourages conciliation between the parties in dispute. Where conciliation fails, a complainant may apply to the EOC for other forms of assistance including legal assistance. The EOC also conducts formal investigation into discriminatory practices where appropriate.

(iii) Education and promotion

97. The EOC is committed to promoting the concept of equal opportunities through education and promotion. The EOC builds partnerships with the HKSAR Government and NGOs in working towards the elimination of discrimination. Public education and publicity programmes to raise awareness and promote better understanding of equal opportunities concepts include organising talks, seminars and workshops for different target groups, publishing half-yearly journal and printing promotional leaflets, organising roadshows and exhibitions, putting together activity programmes and arranging drama performances for students and producing TV and radio announcements and programmes. Other than traditional media, the EOC also leverages on new media, such as mobile applications and social media for its promotion. In order to encourage community participation, the Community Participation Funding Programme on Equal Opportunities is in place to assist community groups to organise their own activities to promote equal opportunities. The EOC also seeks to achieve its vision through partnership projects with all sectors in the community. Calendar and tailor-made training programmes are conducted to raise awareness of discrimination and harassment within organisations and Government departments, as well as to equip them with the skills to deal with the situation should such problems arise.

(iv) Research

98. The EOC commissions various research studies and baseline surveys to examine why discrimination takes place, the overall attitudes and perceptions of equal opportunities within the community. The research studies will help the EOC to develop its strategy, monitor the attitude change and provide benchmarks for future studies.

(v) Review of relevant legislation and issuing codes of practice and guidelines

99. The EOC keeps under review the anti-discrimination ordinances and submits proposals for amendments to the HKSAR Government as it thinks fit. It also issues codes of practice under the ordinances and other guidelines. The Codes of Practice on Employment are issued to assist employers and employees in understanding their responsibilities under the ordinances and to provide practical guidelines to management on procedures and practices that can help prevent discrimination and other unlawful acts in the workplace.

100. Copies of the codes of practice under the four ordinances as well as a series of other publications explaining the provisions of the ordinances are available at the EOC office and its website. The EOC website also provides up-to-date information on equal opportunities issues in the HKSAR and international developments and trends.

(b) Promotion of non-discrimination and equality

(i) Women

101. Since the extension of the CEDAW to Hong Kong in October 1996, we have been striving to adhere to the principles of CEDAW and promote public awareness of the Convention.

102. The HKSAR Government set up the Women's Commission (WoC) in 2001 as a high-level central mechanism to advise and assist the HKSAR Government on women's issues and to champion women's interests. The WoC is tasked to take a strategic overview on women issues, develop a long-term vision and strategy for the development and advancement of women, and to advise the HKSAR Government on policies and initiatives which are of concern to women.

103. To achieve its mission of enabling women in the HKSAR to fully realise their due status, rights and opportunities in all aspects of life, the WoC has adopted a three-pronged strategy, namely the provision of an enabling environment, empowerment of women through capacity building and public education, and promoting the interest and well-being of women. Apart from offering advice to the HKSAR Government on women-related policies and initiatives, the WoC also commissions researches and surveys, organises publicity and public education programmes and maintains close liaison with women's groups and different sectors of the community with a view to promoting interests of women in the HKSAR.

(ii) Ethnic minorities

104. In respect of the promotion of racial equality, besides legislation, we believe that public education and support services are also important for better integration of ethnic minorities into the community. We have, over the years, launched various initiatives to promote racial harmony and to assist integration of the ethnic minorities in the HKSAR.

105. The Committee on the Promotion of Racial Harmony was established in 2002 to advise the HKSAR Government on public education and publicity in this area. The Race Relations Unit, established also in 2002 by the HKSAR Government, serves as the secretariat to the Committee on the Promotion of Racial Harmony and liaises with the ethnic minority communities.

106. Various bureaux/departments of the HKSAR Government and public bodies have been providing public services to meet the needs of ethnic minorities according to their respective policy purview and service area, e.g. education, employment, housing and social welfare. The Home Affairs Department operates a number of programmes to facilitate the integration of ethnic minorities into community, either by organising activities or through sponsoring the work of NGOs. Such programmes include language programmes, integration activities, radio programmes in the languages of the ethnic minorities, and community teams to provide support services to the ethnic minority groups. Since 2009, we have provided funding to NGOs for establishing and operating a total of six support service centres for ethnic minorities and two sub-centres in the HKSAR. They provide Chinese and English language training, orientation programmes, counselling and referral services, interest classes, and other support services to ethnic minorities. One of the centres also provides telephone and on-site interpretation services to facilitate ethnic minorities' access to public services.

107. In 2010, the HKSAR Government also issued Administrative Guidelines to provide general guidance to concerned Government bureaux and departments and relevant public authorities to promote racial equality and ensure equal access by ethnic minorities to public services in key areas concerned, and to take this into account in their formulation, implementation and review of relevant policies and measures. In 2010, the scope of application of the Guidelines covered 14 Government bureaux and departments and public authorities, and it was extended to cover 23 in 2015. The HKSAR Government will keep the scope and coverage of the Guidelines under review.

(iii) Children's rights

108. In the HKSAR, matters concerning children cover a wide range of policies. They are taken care of by the respective policy bureaux of the HKSAR Government. The best interests of the child are necessary considerations in all relevant decision-making, including legislative proposals and policies, and are taken into account as a matter of course. Advice would be sought from HKSAR Government experts on human rights and international law where necessary to ensure compliance.

109. Certain child-related policies and measures may involve more than one bureau or department. Mechanisms are in place within the HKSAR Government for co-ordinating and handling policies that involve different bureaux and departments. Mechanisms within the HKSAR Government continue to serve the need of co-ordinating policies and measures among Government bureaux and departments, ensuring that adequate consideration is given to the interests of children.

110. In 2006, the HKSAR Government established the Children's Rights Education Funding Scheme, which provides financial support for community organisations to carry out educational projects to raise public awareness and understanding of the Convention on the Rights of the Child (CRC) and the children's rights enshrined in it. The Scheme accepts open application for funding on an annual basis. Since its establishment in 2006, the Scheme has supported around 270 projects implemented by NGOs, to enhance different stakeholders' understanding of children's rights as provided under the CRC. On publicity and public education, an API to promote respect of children's rights as enshrined in the CRC was launched in 2013. In addition, the HKSAR Government has collaborated with the Radio Television Hong Kong to produce three television programmes in 2013, 2014 and 2015 respectively to promote children's rights, with a view to enhancing the public's understanding of children's rights.

(iv) People of different sexual orientation and transgendered persons

111. We have been promoting equal opportunities for people of different sexual orientation and transgender persons through various publicity and educational measures. These includes, among others, implementing the Equal Opportunities (Sexual Orientation) Funding Scheme which provides funding support to worthwhile community projects that promote equal opportunities on grounds of sexual orientation or gender identity, or provide support services for the sexual minorities; promulgating the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation; maintaining a hotline for enquiries and complaints on issues relating to sexual orientation and gender identity; and producing and broadcasting API on television and radio, and launching advertising campaigns on different media to promote the message of equal opportunities for sexual minorities.

112. In June 2013, the HKSAR Government established the Advisory Group on Eliminating Discrimination against Sexual Minorities to provide advice on matters relating to concerns about discrimination faced by sexual minorities in the HKSAR, notably the aspects and extent of discrimination faced by sexual minorities in the HKSAR, and the strategies and measures to tackle the problems identified with a view to eliminating such discrimination and nurturing a culture of diversity, tolerance and mutual respect in the community. The Advisory Group submitted its report to the HKSAR Government in December 2015.

(v) Persons with disabilities

113. The CRPD entered into force for China and applied to the HKSAR on 31 August 2008. States Parties to the CRPD undertake to adopt all appropriate legislative, administrative and other measures for the implementation of the rights of persons with disabilities recognised in the Convention. With the existing Disability Discrimination Ordinance affording protection against discrimination on the ground of disability, and the Mental Health Ordinance (Cap. 136) safeguarding the rights of mental patients, the HKSAR has been well positioned to meet the objectives of this Convention.

114. Measures have been taken to ensure that all bureaux and departments are fully aware of the need to take due account of the CRPD's provisions in formulating policies and implementing programmes. The HKSAR Government works with the Rehabilitation Advisory Committee (the principal advisory body to the HKSAR Government on matters pertaining to the well-being of persons with disabilities and the development and implementation of rehabilitation policies and services in the HKSAR), the rehabilitation sector and the community at large to ensure compliance with the Convention, to provide support to promote participation by persons with disabilities in society, and to facilitate the

enjoyment of their rights under this Convention. The HKSAR Government has also been actively promoting the spirit and core values of this Convention to the community.